

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 22, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRADLEY H.,¹

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,²

Defendant.

No. 1:20-cv-03187-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 21, 24

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 24, requesting remand of the above-captioned matter to the Commissioner for

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

² Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

1 additional administrative proceeding pursuant to sentence four of 42 U.S.C. §
2 405(g). Attorney D. James Tree represents Plaintiff. Attorney L. Jamala Edwards
3 represents Defendant. The parties have consented to proceed before a magistrate
4 judge. ECF No. 6.

5 After consideration, **IT IS HEREBY ORDERED** that:

6 1. The District Court Executive is directed to substitute Kilolo Kijakazi as
7 the Defendant and update the docket sheet.
8 2. The parties' Stipulated Motion for Remand, **ECF No. 24**, is **GRANTED**.
9 3. The above-captioned case be **REVERSED** and **REMANDED** to the
10 Commissioner of Social Security for further administrative proceeding pursuant to
11 sentence four of 42 U.S.C. § 405(g).

12 The parties have stipulated to the following:

13 On remand, the Appeals Council will instruct the ALJ to:

14 • Further develop the record;
15 • Reevaluate the entire medical evidence of record, including evidence
16 past Plaintiff's date last insured, such as but not limited to the
17 Veteran's Administration reports from 2000, 2014, and 2016;
18 • Reevaluate Plaintiff's severe physical and mental impairments;
19 • Obtain the assistance of a specialized medical expert, if warranted;
20 • Reevaluate Plaintiff's maximum physical and mental residual

1 functional capacity pursuant to 20 C.F.R. § 404.1545 and SSRs 85-16
2 and 96-8p;

3 • Reevaluate the subjective complaints of record;
4 • Obtain supplemental vocational expert evidence to clarify the effect of
5 the assessed limitations on Plaintiff's ability to perform work in the
6 national economy, resolving any apparent conflicts between the
7 testimony and the Dictionary of Occupational Titles; and
8 • Take any further action needed to complete the administrative record
9 and issue a new decision.

10 See ECF No. 24 at 1-2.

11 3. Judgment shall be entered for **PLAINTIFF**.

12 4. Plaintiff's Motion for Summary Judgment, **ECF No. 21**, is **STRICKEN**
13 **AS MOOT**.

14 5. Upon proper presentation, this Court consider Plaintiff's application for
15 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

16 The District Court Executive is directed to enter this Order, **enter**
17 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

18 DATED November 22, 2021.

19
20 s/Mary K. Dimke
MARY K. DIMKE
UNITED STATES MAGISTRATE JUDGE